IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital : the 18th day of November, 2005

Bail application no. 1009 **of 2005**

Order on the bail application of accused

CRIMINAL SIDE

Amar Kant @ Dola
S/o Srikant
R/o Lane No. 6-7 Friends Colony
Tapovan Road, Raipur,
Dehradun … Applicant

Versus

State of Uttaranchal … Opposite Party

Arising out of Case Crime No. 85 of 2005
U/Ss 302, 404, 420, 120-B I.P.C.
Police Station – Dalanwala,
District- Dehradun

Hon'ble J.C.S. Rawat, J.

Heard Sri Vinod Sharma, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The case rests on the circumstantial evidence. It is alleged that the incident took place on 30.03.2005 and the F.I.R. was lodged without indicating the name of nay person as accused the thereafter the accused was arrested on 27.04.2005. It is also alleged that the recovery of country made pistol was made on the pointing out of the applicant from the open place. It was contended that the said place was accessible by all the persons. It is also alleged that the confession made by the applicant before the police is not admissible. It is also on record that evidence of one Ashish Chauhan was recorded on 27.04.2005 and he has stated that one mobile phone belonging to the deceased was handed over by the applicant to him.

Learned counsel for the applicant further contended that mother of the applicant has given telegram that his son has been taken into custody on 25.04.2005.

Considering the facts and totality of the circumstance of the case, it is fit case for bail at this stage.

Let the applicant, Amar Kant @ Dola be released on bail on executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

(J.C.S. Rawat, J.)

November 18, 2005
Shiv